

### REMARKS

Applicant thanks the Examiner for acknowledging that Applicant's previous Argument overcame the previously designated final rejection. Applicant now also requests reconsideration of the "new" prior art rejections set forth by the Examiner under 35 U.S.C. §§ 102 and 103.

For the record, Applicant notes that the newly cited Matsuda reference is actually a prior Sony patent that describes the same technology as Applicant's Admitted Prior Art in this application and no more. Accordingly, the same distinctions between the claims and the prior art previously noted apply here as well and these rejections should thus be withdrawn for the same reasons that the previous rejections were withdrawn.

Applicant has set forth herein the previously identified distinctions between the admitted prior art and Applicant's presently claimed invention which, as noted, apply to the Matsuda reference as well.

Claims 1-5 currently stand rejected by the Examiner under 35 U.S.C. §§ 102 and 103. More specifically, Claims 1, 2, 3 and 5 are rejected under 35 U.S.C. § 102 as being anticipated by Matsuda which is the same as Applicant's Admitted Prior Art.

Applicant had previously modified Claim 1 to state that the light transmitting film is formed without etching or planarizing the light transmitting film. As noted this modification was added to Claim 1 in order to highlight the distinctions between the presently claimed invention and the prior art of Matsuda. The Admitted Prior Art (Matsuda) explicitly teaches that the light transmitting film is planarized as shown in Fig. 8C and as described on page 5

in the last full paragraph of the specification (Applicant's characterization of Matsuda). Accordingly, at the very least for this reason alone, it is clear that independent Claim 1 is patentably distinct from the admitted prior art of the second conventional example (and Matsuda as well for the same reasons).

Furthermore, the first conventional example described with respect to Fig. 6 and 7 in the instant specification requires that the PBSG film 20 is planarized by reflowing as shown in Fig. 6B. This is also described in the specification beginning on the top of page 4. Claim 1 is also patentably distinct from this conventional example because claim 1 requires the formation of an inter-layer dielectric having a depression in its surface above the light receiving portion and thereafter forming on the inter-layer dielectric a light transmitting film having in its surface a concave portion conforming to the depression. This is clearly not done in the first conventional example (Matsuda has the very same shortcomings). Actually, the admitted prior art described in the specification and Matsuda teaches away from the claims for the reasons noted above and the distinguishing features specified in the claims as noted.


Applicant notes that Claims 2-5 are all dependent claims and that Claim 1, the only independent claim is patentably distinct in that it is neither anticipated by nor obvious in light of the prior art Matsuda reference. In summary, there is simply no teaching or suggestion regarding the process for producing a solid-state imaging device as specified in independent Claim 1 and as further characterized in the additional dependent claims.

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In light of the foregoing, Applicant respectfully submits that all claims stand in  
condition for allowance.

Respectfully submitted,

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